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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,528	02/28/2004	Frederick Yovich	YovichF_P_1_04	6886

34442 7590 12/22/2005

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EXAMINER

GABLER, PHILIP FRANCIS

ART UNIT PAPER NUMBER

3637

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/788,528	<b>Applicant(s)</b> YOVICH, FREDERICK	
	<b>Examiner</b> Philip Gabler	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 2/28/2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 3 recites the limitation "said support" in line 1. There is insufficient antecedent basis for this limitation in the claim and for purposes of examination it was interpreted to be a new limitation, separate from the "support means" of claim 2.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

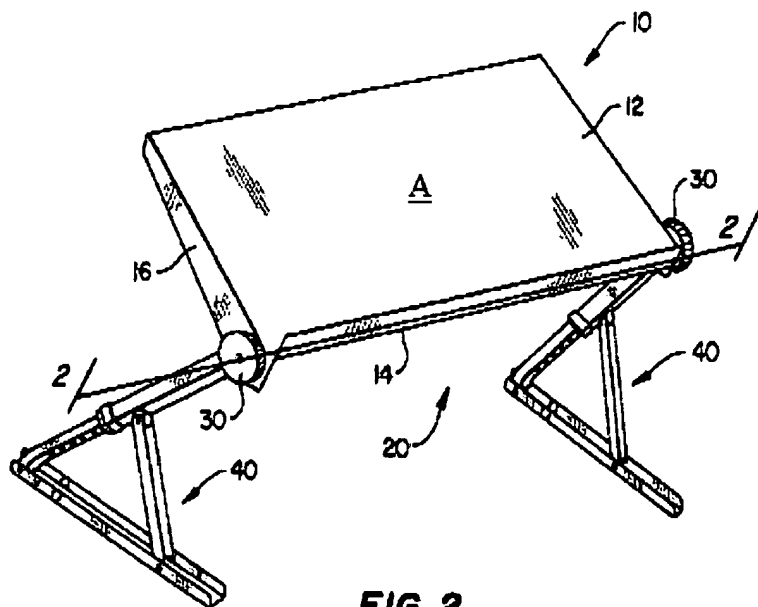
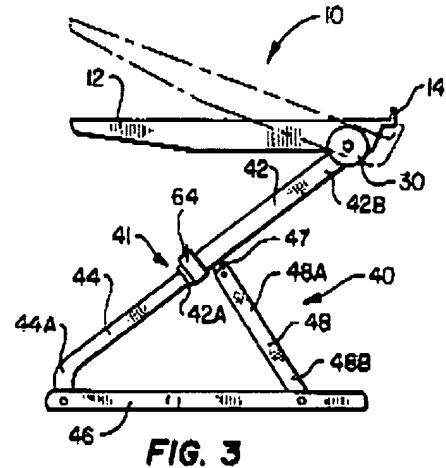
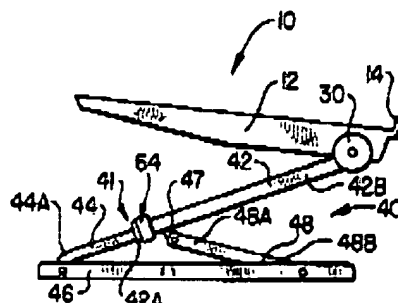
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ranta (US Patent Number 6019050). Ranta (Figures 2-4) discloses a work surface capable of supporting a workpiece, comprising: a first member (12), a second member (41) having a first section (42) and a second section (44), a base member (46), said first member rotably hinged to said first section of said second member, said base member

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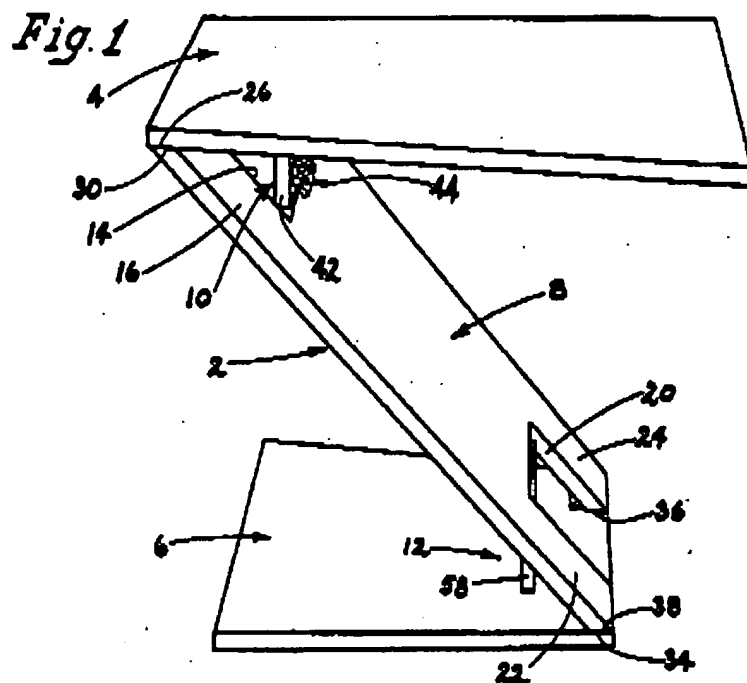
rotably hinged to said second section of said second member, and means (30 and 48) for reversibly securely positioning said first member and said second member at a plurality of angles with respect to each other and with respect to said base member, wherein said base member supports said device.

3. Regarding claims 2 and 12 Ranta further discloses a support means (14) for supporting the workpiece on a first surface (viewed as A in Exhibit 1) of said first member.

**FIG. 2****FIG. 3****FIG. 4****Exhibit 1: Ranta '050 Figures 2-4**

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4. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by McCauley (US Patent Number 5078056). McCauley (Figures 1) discloses a work surface capable of supporting a workpiece, comprising: a first member (4), a second member (8) having a first section (16 and 18) and a second section (22 and 24), a base member (6), said first member rotably hinged to said first section of said second member, said base member rotably hinged to said second section of said second member, and means (42 and 58) for reversibly securely positioning said first member and said second member at a plurality of angles with respect to each other and with respect to said base member, wherein said base member supports said device.



McCauley '056 Figure 1

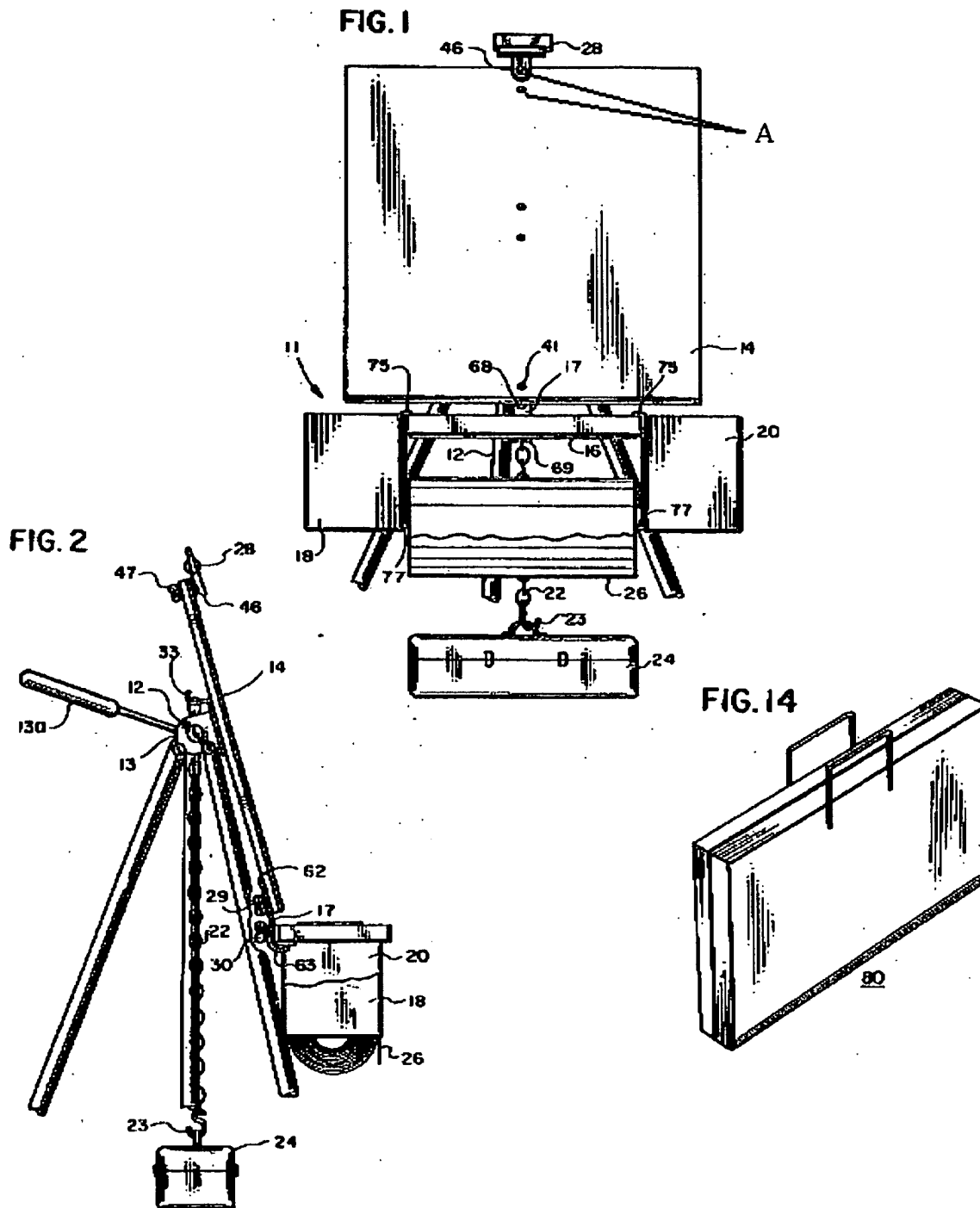
***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-7, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranta in view of Rifkin (US Patent Number 5083737). Ranta discloses a work surface as recited in claims 2 and 12 but does not disclose supporting the workpiece in various positions. Rifkin (Figures 1, 2, and 14) discloses a work holder (11) with a support means (28) for supporting the workpiece that is capable of being disposed in multiple positions (secured in holes labeled A in Exhibit 2). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ranta's work surface to include a workpiece support means able to be disposed in multiple positions as taught by Rifkin because this arrangement would make Ranta's work surface more versatile.

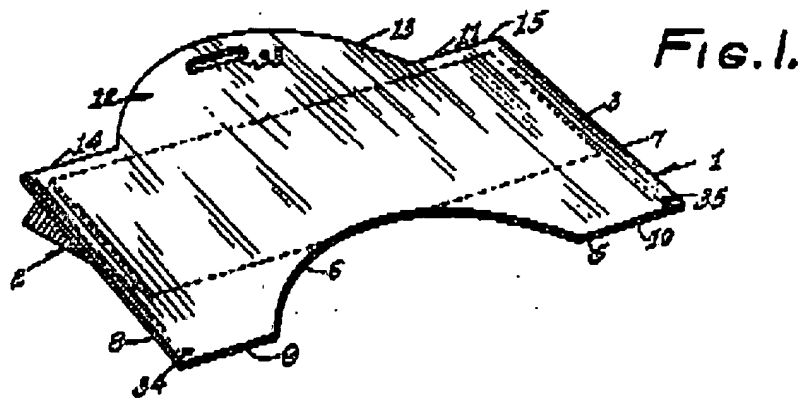
7. Regarding claims 4 and 14, Ranta discloses a work surface as recited in claims 1 and 11 but does not disclose a receptacle means functionally adapted for holding a work tool. Rifkin discloses a work holder comprising a receptacle means (20) for holding a work tool. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ranta's work surface to include a receptacle means for holding a work tool as taught by Rifkin because this addition would add considerable convenience for the user of the work surface.



**Exhibit 2: Rifkin '737 Figures 1, 2, and 14**

8. Regarding claims 5-7 and 15-17, Ranta discloses a work surface as recited in claims 1 and 11 but does not disclose a detachable holder means and means for storing the holder. Rifkin discloses at least one holder means (18) functionally adapted for holding a container, wherein said holder means are detachably attached to the device (see column 5 lines 33-34) and the work surface device further comprises means (80) for storing the detached container holder means. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the work surface of Ranta to include a detachable holder means and means for storing the holder as taught by Rifkin because this arrangement would further increase the versatility of Ranta's work surface by adding additional, removable storage.

9. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCauley in view of Collier (US Patent Number 3172636). McCauley discloses a work surface as recited in claims 1 and 11 but does not disclose a first edge of said base member shaped to conform to a shape of a person's lap. Collier (Figure 1) discloses a work surface with a first edge (5) shaped to conform to a shape of a person's lap (curve 6). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McCauley's work surface to include a base with a first edge shaped to conform to a shape of a person's lap as taught by Collier because this arrangement would allow McCauley's work surface to be more comfortably placed on a user's lap.



Collier '636 Figure 1

10. Claims 9, 10, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranta in view of the prior art. Ranta discloses a work surface as recited in claims 1 and 11 but does not disclose the material used. Varying the type of material used however is well known and it would have been obvious to one of ordinary skill in the art at the time the invention was made to choose a suitable material based on a variety of criteria. Further, it is noted that Hansen (US Patent Number 5722586) discloses (column 2 lines 56-58) a work surface that is made of either wood or plastic.

### **Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Altman (US Patent Number 4058066) and Sharp (US Patent Number 2199895) references are cited for disclosing work surfaces with adjustment schemes similar to the instant application. The Anthony reference (US Patent Number


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297219) is cited for disclosing a work surface configured to be disposed on the lap of the user. The Chen reference (US Patent Number 6192806) is cited for disclosing an adjustable angle work surface. The Itou et al. reference (US Patent Number 6560092) is cited for disclosing a work board comprising a receptacle for holding a work tool.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFG   
12/16/2005

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